

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:	)	Chapter 7
	)	BKY Case No. 04-44546-RJK
Laurie Ternes Kollar,	)	
	)	
Debtor(s)	)	<b><u>VERIFIED NOTICE OF HEARING</u></b>
	)	<b><u>AND MOTION OBJECTING TO</u></b>
	)	<b><u>CLAIMED EXEMPT PROPERTY</u></b>

TO: The United States Bankruptcy Court, the United States Trustee, the debtor, the debtor's attorney, and all parties who requested notice under Bankruptcy Rule 2002 (none):

1. Julia A. Christians, Trustee herein, moves the Court for the relief requested below, and gives notice of hearing herewith.

2. The Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005, and Local Rule 1071-1. This motion is filed pursuant to Bankruptcy Rule 9014 and Local Rules 9013-1 through 9013-5. This proceeding arises under 11 U.S.C. § 522 and Local Rule 4003-1(a).

3. The Court will hold a hearing on this objection on November 3, 2004, at 9:30 in Courtroom No. 8 West, U.S. Courthouse, 300 South Fourth Street, Minneapolis, MN 55415, or as soon thereafter as counsel can be heard.

4. Any entity opposing the motion under Local Rule 9013-2 is required to file and serve a response, including a memorandum of facts and law and any opposing affidavit, not later than October 29, 2004, which is three days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than October 25, 2004, which is seven days before the time set for the hearing (excluding Saturdays, Sundays and holidays). **If no**

**response is timely served and filed, the Court may grant the relief requested without a hearing.**

5. The undersigned trustee hereby objects to the debtor's claim that the following property is exempt under the applicable exemption statute: Non-homestead real property located at 308 Leksand Lane, Buffalo, Minnesota 55313, legally described as Wright County SOLBAKKEN 2<sup>nd</sup> Addn, Lot 008, Block 001, Sec. 19, Township 120, Range 025, listed value \$168,000.00 subject to a lien of \$129,212; checking account at TCF Bank, account #4852172616, listed value \$133.00; savings account at Columbia Heights Credit Union, listed value \$86.00; 20 year old golf clubs, listed value \$40.00; 1995 Yamaha Virago Motorcycle 750, listed value \$1,500.00; 2004 Hyundai Santa Fe, listed value \$16,000.00 subject to a \$5,732.64 lien; and, Laptop Computer and Printer, listed value \$100.00.

6. The objection is made for the following reason:

The debtor claimed each of the above-described assets exempt pursuant to 11 U.S.C. §522(d)(5), to the extent of \$9,250.00 in the real property and the full listed values in the funds on deposit, the golf clubs, the motorcycle and the computer. Debtor claimed the vehicle exempt under (d)(2) to the extent of \$2,950.00 and under (d)(5) to the extent of \$7,318.00.

Debtor has exceeded the limits of (d)(5) by no less than the sum of \$8,202.00. No explanation is set forth in Debtor's schedules for Debtor's and her counsel's blatant disregard of the clearly defined and unambiguous statutory limit. Accordingly, the Trustee seeks denial of the exemptions exceeding the limit and such other and further relief as the Court may deem appropriate.

Dated: October 14, 2004

/e/ Julia A. Christians

Julia A. Christians, Trustee  
One Financial Plaza, Suite 2500  
120 South Sixth Street  
Minneapolis, MN 55402  
(612) 338-5815

### **VERIFICATION**

Julia A. Christians, being duly sworn, says that she is the Chapter 7 Trustee in this action, that she has read this Verified Notice and Objection To Claimed Exempt Property and that it is true of her own knowledge, to the best of her information.

/e/ Julia A. Christians

Julia A. Christians

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re: ) Chapter 7  
 ) Case No. 04-44546-RJK  
Laurie Ternes Kollar, )  
 )  
Debtor. )

UNSWORN CERTIFICATE OF SERVICE

I, Sarah L. Fortin, declare under penalty of perjury that on October 14, 2004, I mailed copies of the attached **Notice Of Hearing And Motion Objecting to Claimed Exempt Property; and proposed Order** by first class mail postage prepaid to each entity named below at the address stated below for each entity:

Office of the United States Trustee  
1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Laurie Ternes Kollar  
616 – 6<sup>th</sup> Avenue NE  
#303  
Osseo, MN 55369

Alan J. Lanners  
Lanners & Olson  
12805 Hwy 55  
Room 102  
Plymouth, MN 55441

Executed on: October 14, 2004

/s/ Sarah L. Fortin  
Sarah L. Fortin, Legal Secretary  
Lapp, Libra, Thomson, Stoeber &  
Pusch, Chartered  
120 South Sixth Street, Suite 2500  
Minneapolis, MN 55402  
612/338-5815

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

CHAPTER 7

BKY CASE NO. 04-44546-RJK

Laurie Ternes Kollar,

Debtor(s).

**ORDER SUSTAINING OBJECTION TO CLAIM OF EXEMPTION**

At Minneapolis, Minnesota, November 3, 2004.

The objection of the trustee to the debtors' claim that the following property is exempt under 11 U.S.C. §522 (d)(5): Real Property located at 308 Leksand Lane, Buffalo, Minnesota 55313, legally described as Wright County SOLBAKKEN 2<sup>nd</sup> Addn, Lot 008, Block 001, Sec. 19, Township 120, Range 025; checking account at TCF Bank, account #4852172616; savings account at Columbia Heights Credit Union; golf clubs; 1995 Yamaha Virago motorcycle 750; 2004 Hyundai Santa Fe; laptop computer and printer, came duly on for hearing. Appearances, if any, were as noted in the record.

Upon said objection and for cause shown, and upon all the files, records, and proceedings herein,

IT IS ORDERED:

That the debtor's claims of exemption for the following property are hereby disallowed to the extent the value thereof exceeds the sum of \$10,225.00:

Real Property located at 308 Leksand Lane, Buffalo, Minnesota 55313, legally described as Wright County SOLBAKKEN 2<sup>nd</sup> Addn, Lot 008, Block 001, Sec. 19, Township 120, Range 025; checking account at TCF Bank, account #4852172616; savings account at Columbia Heights Credit Union; golf clubs; 1995 Yamaha Virago motorcycle 750; 2004 Hyundai Santa Fe; and, laptop computer and printer.

Dated: \_\_\_\_\_, 2004

\_\_\_\_\_  
The Honorable Robert J. Kressel  
United States Bankruptcy Judge